



FOX TELEVISION STATIONS, INC.

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A Unit of Fox Television

Shaun Maher, Esq.
Federal Communications Commission
Room 2-A820
445 12th Street, SW
Washington, DC 20554

Re: MB Docket No. 03-15

Dear Mr. Maher:

WGHP License, Inc. ("WGHP"), permittee of television station of WGHP-DT, High Point, North Carolina, File No. BPCDT-19991005ABQ, respectfully requests that the Commission waive the July 1, 2005 "use-it-or-lose-it" deadline for full-power DTV operation adopted by the Commission at paragraph 78 of the *Second DTV Periodic Review Report and Order of the Commission's Rules and Policies Affecting the Conversion To Digital Television*, MB Docket No. 03-15, RM 9832, released September 7, 2004 (19 FCC Rcd 18,279), pursuant to the procedure set out in Public Notice DA 05-1636, released June 15, 2005.

WGHP is one of Fox Television Stations, Inc.'s ("Fox") 35 owned and operated stations. WITI-DT currently operates at low power pursuant to Special Temporary Authority ("STA"), File No. BDSTA-20020325ACB, providing the requisite coverage of Greensboro/High Point/Winston Salem. This facility operates from WGHP's existing antenna tower, mounted at a height of 900 feet, with 4200 watts output power. By this letter, WGHP also requests extension of its STA and of the above-referenced Construction Permit.

Initially, structural analysis by Kline Iron & Steel, Inc. concluded that WGHP's existing antenna tower, which was erected in 1963, even if strengthened, would not be able to support WGHP's full-power DTV equipment. WGHP's analysis of available alternative sites revealed no options. Accordingly, WGHP installed a low power DTV facility on its existing tower and proposed to erect a new tower adjacent to its existing tower on its existing property. While the limited space available required extremely precise engineering in order to avoid the new tower's crossing guy wires with WGHP's existing tower, there simply were no alternatives. Core samples were taken and FAA approval applied for.

After obtaining FAA clearance and registering the proposed new structure with the Commission, WGHP applied to the Director of Planning and Zoning of the Municipality of Randallman for a building permit. WGHP's proposal was rejected because the new tower failed to meet setback requirements of twice the tower's

height. Fortunately, a parcel of land adjacent to its existing property eventually became available, and WGHP was able to purchase this parcel.

The orientation of WGHP's new tower was rotated to satisfy concerns of the Randallman Zoning Board, which finally approved the proposed new tower at about 180 feet away from the

location originally proposed. The ground elevation is slightly higher at this new location; therefore, WGHP's aeronautical consultant obtained another determination of no hazard from the FAA. A copy is attached hereto.

WGHP has ordered its full-power DTV equipment, as evidenced by the copies of purchase orders attached hereto. The price terms are redacted, as this is confidential information. A paper copy of this letter also is being filed with unredacted copies of the documents. Fox respectfully requests that the cost figures in these documents be withheld from public inspection pursuant to Sections 0.457(d) and 0.459 of the Commission's Rules, 47 CFR Sections 0.457(d) and 0.459, as this information is proprietary and not otherwise available for public inspection.

WGHP also has filed applications with the Commission for its main and auxiliary DTV facilities to be located on the new tower (File Nos. BMPCDT-20050509ABI and BPCXDT-20050509 ABQ), although these applications will not be grantable until WGHP is able to certify compliance with the new Nationwide Programmatic Agreement by filing Form 620. WGHP retained Samet Corporation as its environmental consultant, and the environmental assessment has proceeded in an expedited manner. A determination as to the historical status of WGHP's site from the state of North Carolina is expected within two weeks from the date hereof. Building permits for the new tower and transmitter building will be released after final environmental approval. WGHP has selected a general contractor for the new transmitter building, and its tower crew is on standby, prepared to start erection as soon as FCC authorization is in place. Assuming no unforeseen delays, WGHP hopes to complete construction by mid-December 2005.

In light of the considerable resources already expended toward DTV implementation, WGHP's good faith cannot be questioned. As additional evidence of Fox's good faith, the Commission merely need look to its overall in implementing DTV to date:

- Twenty-five of Fox's owned and operated stations have met all applicable deadlines and currently are operating at full facilities;
- Of Fox's remaining ten owned and operated stations, eight are operating low-power DTV facilities pursuant to STA and will be fully operational within this calendar year, one is operating a low-power DTV facility and will meet its full-power deadline of July 1, 2006, and one, a satellite station that does not have a DTV channel allotment, will "flash cut" to DTV;
- All of Fox's DTV facilities implemented dynamic PSIP in a timely

fashion;

- Fox has granted digital carriage rights to numerous multichannel video providers nationwide on behalf of all of its owned and operated stations and includes digital carriage provisions in all of its retransmission consent agreements.

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As the foregoing illustrates, Fox's commitment to DTV implementation cannot be questioned, and we ask that the Commission find the modest waiver of time sought for WGHP-DT's full-power operation to be justified.

I hereby certify that no party to this extension request is subject to denial of federal benefits pursuant to § 5301 of the Anti-Drug Abuse Act of 1998, 21 USC § 862.

Respectfully submitted,

Molly Pauker

Attachments